

**ARIZONA STATE BOARD OF OPTOMETRY
LICENSING STATUTES AND RULES (IN PART)**

32-1706. Use of pharmaceutical agents

A. A licensee may prescribe, dispense and administer over-the-counter pharmaceuticals and topical prescription pharmaceuticals subject to the pharmaceutical agent classifications specified in section 32-1728.

B. A licensee may prescribe, dispense and administer the following oral prescription pharmaceuticals subject to the pharmaceutical agent classifications specified in section 32-1728:

1. Antibiotics classified as tetracycline and its derivatives, cephalosporins, penicillin and its derivatives and erythromycin, azithromycin and clarithromycin. A licensee may prescribe these antibiotics for any one patient for each occurrence for a period not more than the day limit recommended by the manufacturer or by the physicians' desk reference. If the patient's condition is other than blepharitis and does not improve during the first seventy-two hours of treatment by means of an oral antibiotic, the licensee shall consult with the patient's primary care physician or other family physician for the purpose of referral of the patient to a physician who specializes in ophthalmology, infectious diseases, internal medicine or neurology. After the referral has been made, the licensee shall consult with the specialist. The licensee shall note the consultation in the patient's file. If the treatment is by oral antibiotics for blepharitis and if the patient's condition does not improve during the first ten days of treatment, the licensee shall request the patient's primary care physician or other family physician to refer the patient to a physician who specializes in ophthalmology, infectious diseases, internal medicine or neurology. On notification of the referral the licensee shall consult with the specialist. The licensee shall note the consultation in the patient's file. If the condition is not resolved at the end of the normal treatment period, the licensee shall request the patient's primary care physician or other family physician to refer the patient to a physician who specializes in ophthalmology, infectious diseases, internal medicine or neurology. On notification of the referral the licensee shall consult with the specialist. The licensee shall note the consultation in the patient's file. A licensee shall not prescribe, dispense or administer an oral antibiotic to a person who is under six years of age. For the purpose of this paragraph, "physician" means a person who is licensed pursuant to chapter 13 or 17 of this title.
2. Antihistamines. A licensee may prescribe an antihistamine for not more than seven days for any one patient. The licensee shall request the patient's primary care physician or other family physician who is licensed pursuant to chapter 13 or 17 of this title to refer the patient. The licensee may prescribe only the following prescription antihistamines:
 - (a) Cetirizine.
 - (b) Loratadine.
 - (c) Fexofenadine.
3. Nonprescription nonsteroidal anti-inflammatory agents. A licensee may prescribe, dispense and administer these agents in dosages that exceed over-the-counter dosages but that do not exceed maximum dosages of counterpart prescription nonsteroidal anti-inflammatory agents.

C. A licensee may prescribe, dispense and administer a schedule III controlled substance only if it is an analgesic.

D. A licensee shall not prescribe, dispense or administer the following prescription substances:

1. An oral steroid.
2. An oral antifungal.
3. An oral antiviral.
4. An oral carbonic anhydrase inhibitor.
5. An oral antimetabolite.
6. An oral immunosuppressive.
7. A substance administered intravenously.
8. Except as provided in subsection E, substances administered by injection.
9. A schedule I, II, IV or V controlled substance.
10. An oral agent for the treatment of closed angle glaucoma attack.
11. Except as provided in subsection B, paragraph 3, an oral nonsteroidal anti-inflammatory agent.

E. A licensee may use epinephrine auto-injectors to counteract an anaphylactic reaction. A licensee who uses auto-injectors may order and maintain anaphylactic-related supplies. The board shall require a licensee to maintain in the licensee's office medically necessary supportive equipment and supplies that are used in connection with the treatment of an anaphylactic reaction including oxygen equipment, airway maintenance equipment or other necessary equipment consistent with the prevailing standard of care as specified by the board.

32-1722. Qualifications of applicant; applications

A. A person of good moral character who desires to engage in the practice of the profession of optometry shall file with the board not less than thirty days before the date on which an examination is to be held a verified application with the required application fee that includes:

1. The applicant's name, age and address.
2. Documentation of graduation from a university or college that teaches the profession of optometry and that is accredited by a nationally accepted accrediting body on optometric education.
3. Documentation of satisfactory completion of an equivalent course of study that is approved by the board in didactic education, pharmacology and clinical training in the examination, diagnosis and treatment of conditions of the human eye and its adnexa that either:
 - (a) Meets the contemporary educational requirements at colleges of optometry in the United States.
 - (b) Totals at least one hundred twenty hours.
4. Documentation of the successful passage of a written examination as prescribed by the board.
5. Background information on a form prescribed by the attorney general for the purpose of conducting an investigation into the existence of prior arrests and convictions.
6. Disclosure of any investigation conducted or pending by an optometric regulatory board in another jurisdiction in the United States.

B. On receipt of an application in proper form and containing the information prescribed in subsection A of this section, the board may investigate the applicant's character, ability and experience.

C. For the purposes of an investigation that is conducted pursuant to subsection B of this section, the board may subpoena witnesses, administer oaths and take testimony with respect to the character of the applicant or to any matter affecting the application at a hearing held after sufficient notice has been given.

D. If the board finds that the applicant has passed the examination provided for under section 32-1724 and that the applicant's character, ability and experience are satisfactory, the board shall issue a license.

32-1723. Licensure by endorsement

The board shall waive the written examination requirements of this chapter if all of the following are true:

1. The applicant submits a license or a certified copy of a license to practice optometry issued by the regulatory board of another jurisdiction of the United States that has licensure requirements that the board determines meet or exceed the requirements of this chapter.
2. The license of the applicant has not been suspended or revoked by any other licensing jurisdiction of the United States for any cause that is a ground for suspension or revocation of a license under this chapter.
3. The applicant has been engaged in the practice of the profession of optometry continuously in the other licensing jurisdiction for not less than four of the five years immediately preceding the application or in the military.
4. The information provided by national data banks designated by the board has successfully verified the applicant.
5. The applicant meets the requirements of section 32-1722 concerning good moral character.

32-1724. Examination of applicants; time of examination

A. Licensing examinations shall be conducted and graded according to rules prescribed by the board. The board shall not grade examinations on a curve.

B. The board may give applicants a written examination on subjects currently being taught in universities or colleges of optometry as well as on this state's statutes and rules relating to the practice of optometry. In lieu of its written examination for licensure, the board may accept documentation from the national board of examiners in optometry that shows that an applicant has passed board designated parts of the national board's examination. To receive a passing grade on a written examination administered by the board, an applicant shall receive a grade of not less than seventy-five per cent on the whole written examination and not less than fifty per cent in any one subject.

C. The board may give applicants a practical examination on subjects currently being taught in universities or colleges of optometry and shall give an examination on this state's statutes and rules relating to optometry. In lieu of its practical examination for licensure, the board may accept documentation from the national board of examiners in optometry that shows that the applicant has passed board designated parts of the national board's examination. To receive a passing grade on a practical examination, an applicant shall receive a grade of not less than seventy-five per cent.

D. Examinations shall be held at least once each year. Notice of examinations shall be given not less than sixty days before the date of examination. The board shall adopt rules to establish conditions under which an applicant who is unable to take the examination and who notifies the board before the date fixed for the examination may take the next examination.

32-1725. Issuance of license

Each applicant who satisfactorily passes the examination shall upon payment of the issuance fee be issued a license under the seal and signatures of the members of the board. Failure to pay the issuance fee within sixty days necessitates the retaking of the examination.

32-1727. Fees

A. The following fees shall be paid to the board:

1. Filing an application for examination, one hundred fifty dollars.
2. License issuance fee as established by the board.
3. Renewal of a license to practice the profession of optometry as established by the board.
4. Late renewal of a license as established by the board.
5. Application for a license by endorsement, three hundred dollars.

B. Fees are not refundable.

32-1728. Pharmaceutical agents; certification; use; course of study

A. A licensee initially licensed after the effective date of the amendment to this section, a licensee licensed by endorsement after the effective date of the amendment to this section or a licensee who passed an examination conducted by the board for the use of oral pharmaceutical agents before the effective date of the amendment to this section may prescribe, dispense and administer a pharmaceutical agent subject to the limitations provided in this chapter.

B. The board may reissue a certificate for renewal for the use of pharmaceutical agents for topical diagnostic or topical therapeutic pharmaceutical agents, or both, to a person who holds an existing certificate issued on or before the effective date of the amendment to this section and who pays the certificate of special qualification fee prescribed in section 32-1727. The certificate may specify the following:

1. Use of no drugs.
2. Use of topical diagnostic agents.
3. Use of topical diagnostic and therapeutic agents.

C. The board may issue a certificate of special qualification to practice optometry without the use of pharmaceutical agents to a person who holds a current license as of July 1, 2000 and who pays the certificate of special qualification fee prescribed in section 32-1727.

D. The board shall adopt a course of study for certification to use oral pharmaceuticals after consultation with colleges of optometry accredited by a nationally accepted accrediting body on optometric education and with the college of pharmacy at the university of Arizona. The board shall design and implement the course in a manner that requires a licensee who wishes to have the privilege of dispensing, prescribing and administering topical and oral pharmaceutical agents pursuant to this chapter meet the contemporary educational requirements related to pharmaceuticals authorized for licensees pursuant to this chapter at colleges of optometry in the United States and to demonstrate competence in dispensing, prescribing and administering those topical or oral pharmaceutical agents by passing examinations in those areas commensurate with doctoral candidates in colleges of optometry in the United States. The course of study shall teach and certify competence in the prescription and administration of topical or oral pharmaceutical agents pursuant to this chapter. The board shall adopt the course of study and completion requirements to reflect the current course of study and demonstrated competence level of pharmacy programs in colleges of optometry in the United States. The board may offer a course and examination that otherwise meets the requirements of this subsection and that is limited to oral pharmaceuticals for licensees who hold a valid diagnostic and therapeutic topical pharmaceutical permit issued pursuant to subsection A of this section.

32-1730. Fingerprinting

- A. Each applicant for licensure and license reinstatement pursuant to this chapter shall submit a full set of fingerprints to the board for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.
- B. If the board does not have any evidence or reasonable suspicion that the applicant has a criminal history, the board may issue a license before it receives the results of a criminal records check.
- C. The board shall suspend a license of a person who submits an unreadable set of fingerprints and does not submit a new readable set of fingerprints within twenty days after being notified by the board to do so.
- D. This section does not affect the board's authority to otherwise issue, deny, cancel, terminate, suspend or revoke a license.

ARIZONA ADMINISTRATIVE CODE:

R4-21-101. Definitions

In addition to the definitions established in A.R.S. § 32-1701, the following terms apply to this Chapter:

1. "ACOE" means the Accreditation Council on Optometric Education.
2. "Applicant" means an individual who applies for a license to practice optometry in this state under A.R.S. §§ 32-1722 and 32-1723, but has not yet been granted the license.
3. "Certificate of special qualification" means a document that specifies that the holder may prescribe, administer, and dispense one or more of pharmaceutical agent categories identified in A.R.S. § 32- 1728 (B) (1), (2), or (3) or may practice optometry without the use of pharmaceutical agents
4. "Pharmaceutical" or "pharmaceutical agent" means a prescription or nonprescription substance, or a schedule III controlled substance used for examination, diagnosis or treatment of conditions of the human eye and its adnexa. A.R.S. §32-1701(5). Pharmaceutical and pharmaceutical agents include the following categories:
 - a. "Topical diagnostic agents" means externally applied medicine used to diagnose disease and conditions of the eye and its adnexa;
 - b. "Topical diagnostic and therapeutic pharmaceutical agent means externally applied medicines used to diagnose, treat, and manage disease of the eye and its adnexa;
 - c. "Oral pharmaceutical" means an ingested medication used to diagnose, treat, and manage disease of the eye and its adnexa; and
 - d. "Anti-anaphylactic agent" means an intramuscular dose of epinephrine used for the emergency treatment of allergic reactions and delivered by a self-injecting syringe.

R4-21-103. Fees

- A. In addition to fees established by A.R.S. § 32-1727, the Board shall charge license fees as follows:
1. License issuance fee of \$400 that is prorated from date of issuance to date of renewal.
 2. Biennial license renewal fee of \$400 that is prorated to the licensee's renewal date if less than biennial renewal period.

3. Late renewal fee of \$200.

C. An applicant for registration or biennial registration renewal as a nonresident contact lens dispenser shall pay to the Board a registration fee of \$500.

R4-21-201. Licensure

A. A person applying for licensure shall submit the following information on a licensure application form provided by the Board not later than 30 days before the date of the Board-designated jurisprudence exam:

1. The applicant's full name and social security number;
2. The applicant's place and date of birth;
3. The applicant's current mailing address;
4. The applicant's residence addresses for the past five years;
5. The applicant's educational background;
6. The applicant's previous optometric experience;
7. The applicant's work experience or occupation for the past five years;
8. A list of the applicant's previous state board examinations;
9. A list of the states in which the applicant is or has been licensed and, if a license is no longer valid, the reasons why;
10. Whether the applicant has ever been denied the right to take an examination for optometric licensure by any state or jurisdiction;
11. Whether the applicant has ever been refused an optometric license or renewal in any state or jurisdiction;
12. Whether the applicant has ever had a license or certificate of registration to practice optometry suspended or revoked by any optometric licensing agency, board, or equivalent;
13. Whether any disciplinary action has ever been instituted against the applicant by any optometric licensing agency or equivalent;
14. Whether the applicant has ever been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country;
15. Whether the applicant has been addicted to narcotic substances or habitually abused alcohol within the last 10 years;
16. Whether the applicant is presently addicted to narcotic substances or habitually abuses alcohol;
17. The applicant shall submit a complete explanation of the details if the answer to any of the questions in subsections (A)(12) through (A)(16) is affirmative;

18. A statement sworn under oath by the applicant verifying the truthfulness of the information provided; and
19. A two inch by three inch passport style photograph of the applicant taken within the past six months.

B. In addition to the requirements of subsection (A), an applicant for licensure shall submit:

1. A completed Arizona Department of Public Safety fingerprint card accompanied by a separate nonrefundable fee in the form of a cashier's check, certified check, or money order in an amount determined by and payable to the Arizona Department of Public Safety;
2. The application fees required pursuant to A.R.S. §32-1727;
3. Evidence of the successful completion of an approved course of study under A.R.S. §32-1722(A)(3).

Acceptable evidence includes:

- a. An official transcript showing that the applicant has passed the required optometry courses; or
 - b. A certificate of completion issued by the sponsoring institution specifying the subject matter and hours completed; and
1. An official transcript received directly from the optometry school from which the applicant graduated with a degree in optometry.

C. An applicant for licensure by endorsement shall submit at least 30 days before the date of the Board designated jurisprudence exam:

1. A license verification from all states in which the endorsement applicant has practiced in the five years before the date of application that provides the following information:
2. Current status of the license;
3. Scope of practice; and
4. Date of licensure, license number, whether any disciplinary action has been taken, complaints against the licensee on file, and any pending investigations.

D. Review and approval of regular and endorsement applications. The Board may approve a regular or endorsement application based upon any combination of education or experience as specified in A.R.S. §§ 32-1722 and 1723.

R4-21-202. License Examination

- A. All applicants for licensure shall take a Jurisprudence exam. A passing score on the examination is at least 75% and above.
- B. An applicant who fails the Jurisprudence examination may retake the examination one time within six months from the date of the original exam. An applicant who fails the Jurisprudence exam a second time shall wait at least six months to submit another application with required fees.

R4-21-203. Time-frames for Licensure, Renewal of License, Certificates of Special Qualification, and Course of Study Approval

- A. For each type of license, certificate, approval, or renewal issued by the Board, the overall time-frame described in A.R.S. §41-1072(2) is listed in Table 1.
- B. For each type of license, certificate, approval, or renewal issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is listed in Table 1 and begins on the date the Board receives an application.
 - 1. If the application is not administratively complete, the Board shall send a deficiency notice to the applicant.
 - a. The deficiency notice shall state each deficiency and the information needed to complete the application and documents.
 - b. The deficiency notice shall require the applicant to respond to the deficiencies within the time provided in Table 1 beginning on the mailing date of the deficiency notice.
 - 2. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information.
 - 3. If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
 - 4. If the applicant fails to respond timely and completely to the deficiency notice, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.
 - 5. An applicant may request an extension of the time to satisfy the deficiency notice.
- C. For each type of license, certificate, approval, or renewal issued by the Board, the substantive review time-frame described in A.R.S. §41-1072(3) is listed in Table 1 and begins on the date of receipt of the notice of administrative completeness.
 - 1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information. The applicant shall submit to the Board the requested additional information within the time provided in Table 1.
 - 2. If, under A.R.S. § 32-1722(C), the Board determines that a hearing is needed to obtain information on the character of an applicant, the Board shall include a notice of the hearing in its comprehensive written request for additional information.
 - 3. The Board shall issue a written notice of denial of a license, renewal, certificate, or approval if the Board determines that the applicant does not meet all of the substantive criteria required by statute or this Chapter.
 - 4. If the applicant meets all of the substantive criteria required by statute and this Chapter for licensure, renewal, certificate, or approval, the Board shall notify the applicant that the qualifications for licensure have been met and the license shall be issued as specified in R4-21-207 after receipt of the license issuance fee.
- D. A period of time as prescribed in this Section does not include the day of the initial act, event, or default. The time period begins on the date of personal service, receipt, or the date shown as received on a

certified mail receipt. The last day of the time-frame is included unless it falls on a Saturday, Sunday, or state holiday in which case, the time period ends on the next business day.

Type of License	Overall Time-frame	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information
Initial Licensure by Examination A.R.S. §32-1722	90	30	20	60	20
Initial Licensure by endorsement A.R.S. §32-1723	120	60	20	60	20
Renewal of License R4-21-204	90	60	20	30	20
Board Approved Course of Study R4-21-205	180	90	20	90	20
Certificates of Special Qualification R4-21-206	120	60	20	60	20
Continuing Education Program Approval R4-21-208	120	60	20	60	20
Registration of nonresident dispenser of replacement soft contact lenses A.R.S. §32-1773	120	60	20	60	20

R4-21-205. Course of Study Approval

A. Any educational institution may apply to the Board for approval of a course of study covering didactic education, pharmacology, and clinical training in the examination, diagnosis, and treatment of conditions of the human eye and its adnexa, and prescribing, dispensing, and administering pharmaceutical agents. The institution's authorized representative shall provide the following information on the application:

1. The name and address of the educational institution;
2. Certification that the course of study is equivalent in scope and content to the curriculum currently offered to graduating students by the educational institution;
3. The names and qualifications of faculty and staff;
4. A course outline that includes:
 - a. Didactic pharmacology and clinical training in the diagnosis and treatment of:
 - i. Anterior segment disease;
 - ii. Posterior segment disease;
 - iii. Glaucoma; and
 - iv. Systemic diseases and emergencies with all pharmaceutical agents and the specific agents listed in A.R.S. §32-1706(A), (B), (C), and (E).
 - b. A minimum of 12 hours of pharmacologic principles in the side effects, adverse reactions, drug interactions, and use of systemic antibiotics, analgesics, antipyretics,

antihistamines, over-the-counter medications, and medications and procedures to counter the affect of adverse reactions.

- B. To be approved, an educational institution shall grant a certificate of completion or its equivalent for the course of study if a student obtains a score of at least 75% on a closed book, proctored, written examination. The examination shall cover prescribing, dispensing, and administering pharmaceutical agents, and be commensurate with courses of study taken by current doctoral candidates in colleges of optometry.

R4-21-206. Use of Pharmaceutical Agents

- A. If a licensee does not currently hold any certificate of special qualification the Board shall grant a licensee the authority to prescribe, administer, and dispense pharmaceutical agents pursuant to A.R.S. §32-1706 if the licensee:
 - 1. Takes and passes a course of study that meets the requirements of R4-21-205 (A); and
 - 2. Provides the Board with a copy of current CPR certification;
- B. Licensees holding a license issued prior to July 1, 2000, and not holding any certificate of special qualification shall not prescribe any pharmaceutical agents pursuant to A.R.S. 32-1728. The Board shall issue a certificate of special qualification specifying use of no pharmaceutical agents to the licensee.
- C. A licensee who is denied certification of special qualification by the Board may appeal the decision by filing an appeal with the Board within 30 days following receipt of the notice of denial or disapproval. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.